



W.P.No.29948 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.29948 of 2010
and M.P.No.2 of 2010

S.Ravi

...Petitioner

vs.

The District Forest Officer,
Salem Division,
Salem – 636 007.

... Respondent

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the respondent relating to C.No.8100/2010/E2 dated 30.11.2010 to quash the same and to issue consequential direction to the respondent to desist from appointing any newly recruited Forest Guard with Driving Licence in the place of the petitioner and allow the petitioner to continue to work as Driver, Shervaroy South Range, Salem Forest Division, in the light of the Circular Np.S3/63076/05 dated 24.06.2006, issued by the Principal Chief Conservator of Forests, Chennai and pass such further or other orders.

For Petitioner : Ms.Ranjani
for Mr.M.Ravi



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For Respondent : Mr.A.M.Ayyadurai
Government Advocate

ORDER

This Writ Petition had been filed challenging the order passed by the respondent, dated 30.11.2010 and for consequential direction to the respondent to desist from appointing any newly recruited Forest Guard with driving licence in the place of the petitioner and allow the petitioner to work as Driver, Shervaroys South Range, Sale Forest Division.

2. Heard Ms.Ranjani, learned counsel for Mr.M.Ravi, learned counsel for the petitioner and Mr.A.M.Ayyadurai, learned Government Advocate, appearing on behalf of the respondent.

3. The learned counsel for the petitioner would submit that the petitioner was initially appointed as a Driver on 05.01.2002 and his services were regularised on 04.01.2004 from the date of his initial appointment on his probation being declared. By G.O.Ms.No.188, Environment and Forests (FR-II) Department, dated 05.10.2005 had ordered creation of 225 posts of



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Forest Guards to Man 225 Jeeps that were to be procured. The Principal Chief Conservator of Forests by proceedings dated 24.06.2006 had directed all the officers in the Forest Department that the existing drivers in the Ranges with the old vehicles need not be disturbed while issuing posting orders for the Forest Guards with driving licence at the time of recruitment. By a further Circular, dated 02.04.2007, the Principal Chief Conservator of Forests had directed all the Conservators of Forests to fill up the posts of Forest Guard-cum-Drivers, except 30 posts which were covered under W.P.No.4439 of 2006.

4. The petitioner had initially preferred W.P.No.23267 of 2007 to restrain the authorities from posting any direct recruit Forest Guard-cum-Driver in his place. Even though, initially an order of interim injunction was granted, the petitioner had withdrawn the Writ Petition with liberty to approach the authorities. Thereafter, the petitioner had also made representation on 30.11.2007 in respect of the said issue and the same had not been considered. The petitioner again preferred another Writ Petition in W.P.No.2628 of 2008 for a direction to desist the respondent from posting



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any newly recruited Forest Guard with driving licence in his place. When the matter was taken up for hearing, a direction was issued to the respondent to consider the representation of the petitioner within a period of two weeks from the date of receipt of a copy of the order and till such time the petitioner should not be disturbed. However, on 30.11.2010, the respondent herein had addressed the District Employment Exchange, Salem to sponsor the names of eligible candidates for filling up three posts of Forest Guards-cum-Drivers for being posted anywhere in Salem District and Tamil Nadu. She would also submit that it was reliably learned that the proposal was to replace three Drivers working in Ranges in Athur and Salem Division. Apprehending his disturbance, the petitioner had preferred this present Writ Petition. She would submit that the respondent had not complied with the orders passed by this Court in W.P.No.2628 of 2008 and they have not yet disposed of the representation given by the petitioner. As per the orders of this Court, till the representation is disposed of, the petitioner's status should not be disturbed. He apprehends that the appointment that is now sought to be made would disturb his status and therefore, he had filed this Writ Petition.



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Countering his arguments, Mr.A.M.Ayyadurai, learned Government Advocate taking support from the counter filed by the respondent would submit that the petitioner was only appointed as a Driver and not as a Forest Guard-cum-Driver. Therefore, he cannot have any grievance for appointment of Forest Guard-cum-Driver in the newly created posts. He would submit that it is only the imagination of the petitioner that he would be disturbed. He would submit that the petitioner's service is a Government service and is liable to be transferred anywhere in the State of Tamil Nadu and his services can be utilised by the Tamil Nadu Forest Department at any point of time. Therefore, he would submit that the Writ Petition itself is wholly misconceived and is liable to be dismissed.

6. I have considered the rival submissions made by the learned counsels appearing for their respective parties and perused the material available on record before this Court.

7. The petitioner, admittedly had been appointed as a Driver and not



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as a Forest Guard. Admittedly, the Government had created 225 posts for Forest Guard-cum-Drivers for which appointment was sought to be made.

This Court also takes judicial notice of the fact that the forests are sought to be encroached upon and also the produce of the forest are also being smuggled. The Government had been taking earnest efforts in protecting the forest wealth for which purpose it had directed creation of 225 new posts of Forest Guard-cum-Drivers and by also purchasing new vehicles for that purpose. The petitioner is only Driver appointed by the Forest Department and he was never appointed as a Forest Guard.

8. As rightly contended by the learned Government Advocate, the petitioner cannot seek to restrain the Government from making new appointment under the apprehension that the petitioner may be disturbed from Salem. Further, as a Government servant, the petitioner is liable to be transferred to any place other than the initial place of his appointment. Such an apprehension cannot be held against the Government from making new appointments.

9. In such view of the matter, I do not find any merits in the Writ



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Petition and the same is liable to be dismissed. Considering the age of the petitioner, I refrain from imposing any cost on him. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.11.2023

gba

Index : Yes/No

Speaking order : Yes/No

Neutral Citation : Yes/No

K.KUMARESH BABU, J.

gba

To

The District Forest Officer,
Salem Division,
Salem – 636 007.

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